

House Committee on House and Governmental Affairs

Minutes of Meeting
2014 Regular Session
April 16, 2014

I. CALL TO ORDER

Representative Tim Burns, chairman of the House Committee on House and Governmental Affairs, called the meeting to order at 9:33 a.m. in Room 2, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Tim Burns, Chairman
Representative Michael E. Danahay, Vice Chair
Representative Taylor F. Barras
Representative John A. Berthelot
Representative Jared C. Brossett
Representative Randal L. Gaines
Representative Gregory A. Miller
Representative Stephen E. Pugh
Representative John M. Schroder, Sr.

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, Committee Legislative Analyst
Mark Mahaffey, Committee Attorney
Shawn O'Brien, Committee Secretary
Aaron Jackson, Sergeant at Arms
Andrew Hoz, Committee Clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 1151 by Representative Ponti

Representative Ponti presented House Bill No. 1151, which provides relative to the election of judges for the City Court of Baton Rouge. He explained that the population has changed with the latest census and the bill would make all the city judge seats elected citywide rather than from election sections. Because the population is currently 39% white and 55% black, and voter registration 42% white and 52% black, there is no longer a reason to have election sections, he said.

Mr. Mike McClanahan, NAACP, 1520 Thomas A. Delpit St., Baton Rouge, LA, testified in opposition to the bill, saying he was against creating at-large districts in Baton Rouge City Court. He said a suit was filed in federal court to define how the lines should be drawn, given that there are currently three white and two black city judges, which does not reflect the current population.

Mr. Byron Sharper, 3467 Ontario Street, Baton Rouge, LA, 225-907-5868, filed a card in opposition to the bill but did not testify.

Representative Berthelot offered a motion to report House Bill No. 1151 favorably. Without objection, House Bill No. 1151 was reported favorably by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, and Burns voted yea.

House Bill No. 198 by Representative Alfred Williams

Representative Alfred Williams presented House Bill No. 198, which provides for the election sections for the City Court of Baton Rouge and for the number of judges elected from such sections. He noted there are currently two subdistricts with three white judges elected from one and two African American judges from the other. He is requesting instead that the legislature provide for two white and three African American judges when pending retirements take place, to address the ongoing suit on the issue pending in federal court in which the judge wants the legislature to provide a solution.

Representative Burns observed that an African American candidate would probably be competitive city-wide, to which Representative Williams responded that there is less black voter turnout than white.

Mr. Byron Sharper, 3467 Ontario Street, Baton Rouge, LA, 225-907-5868, spoke in favor of the bill.

Mr. Mike McClanahan, NAACP, 1520 Thomas A. Delpit St., Baton Rouge, LA submitted a card in support but did not testify.

Representative Brossett offered a motion to report House Bill No. 198 favorably, to which Representative Berthelot objected. A roll call vote was taken and by a vote of 1 yea and 5 nays, the motion failed to pass. Representative Brossett voted yea. Representatives Barras, Berthelot, Danahay, Schroder, and Burns voted nay.

Representative Berthelot offered a motion to involuntarily defer action on House Bill No. 198. Without objection, action on House Bill No. 198 was involuntarily deferred by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yea.

House Bill No. 686 by Representative Barrow

House Bill No. 686 provides relative to disclosure of information concerning certain boards and commissions. There was no discussion on the bill.

At the author's request, Representative Burns offered a motion to voluntarily defer action on House Bill No. 686. Without objection, action on House Bill No. 686 was voluntarily deferred by a vote

of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yea.

House Bill No. 1135 by Representative Seabaugh

House Bill No. 1135 exempts certain records and information pertaining to selection or service of a grand or petit jury from the Public Records Law. There was no discussion on the bill.

At the author's request, Representative Burns offered a motion to voluntarily defer action on House Bill No. 1135. Without objection, action on House Bill No. 1135 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yea.

House Bill No. 121 by Representative Richard

House Bill No. 121 provides relative to records of the office of the governor. There was no discussion on the bill.

At the request of the author, Representative Burns offered a motion to voluntarily defer action on House Bill No. 121. Without objection, action on House Bill No. 121 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yea.

House Bill No. 1207 by Representative Pierre

Representative Pierre presented House Bill No. 1207, which provides references in the Public Records Law to exemptions applicable to certain records relative to insurance.

Mr. Tom Travis, Louisiana Department of Insurance, 1702 North Third St., Baton Rouge, LA 70802, 225-342-2136, on behalf of the author, explained that the bill provides cross references in the Insurance Code to the public records laws.

Representative Burns offered a set of amendments on behalf of the author to add certain exemptions to the Public Records Law relative to an application for a certificate of authority, information in annual reports relative to solvency, information contained in risk-based capital reports relative to health maintenance organizations, information from examinations, and examinations of insurance insolvencies.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yea.

Representative Burns offered a motion to report House Bill No. 1207 with amendments. Without objection, House Bill No. 1207 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yea.

House Bill No. 1121 by Representative Danahay

Representative Danahay presented House Bill No. 1121, which provides an exemption from the Public Records Law for certain commercially sensitive information of a public power authority.

Mr. Cade Cole, Board of Tax Appeals, Town of Vinton (no address provided), present in support of the bill, explained the need for access to information that is available to the Texas municipalities involved in a joint venture with Vinton.

Mr. Jody Montelaro and Mr. Stephen Ledet, Entergy, 446 North Blvd., Baton Rouge, LA 70802, 504-458-0734; and Ms. Arwin Bascle, LA Energy and Power Authority, 1720 Nicholson Drive, Baton Rouge, LA 70802, 504-296-4349, submitted witness cards in support of the bill.

Representative Berthelot offered a motion to report House Bill No. 1121 favorably. Without objection, House Bill No. 1121 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yeas.

House Bill No. 318 by Representative Danahay

Representative Danahay presented House Bill No. 318, which provides that the Public Records Law is not applicable to confidential or privileged tax information in the possession of the Board of Tax Appeals or to internal correspondence among the members and staff of the board pertaining to discussion of an issue in a case being adjudicated by the board.

Mr. Cade Cole, Board of Tax Appeals, Town of Vinton (no address provided), informed the committee that the measure is considered clean-up legislation.

Representative Barras offered a motion to report House Bill No. 318 favorably. Without objection, House Bill No. 318 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Schroder, and Burns voted yeas.

House Bill No. 716 by Representative Henry

Representative Henry presented House Bill No. 716, which establishes protections for certain independent public contractors who report criminal activity on the part of public entities.

Representative Henry requested the adoption of a substitute bill to provide relative to the protection of public employees from reprisal and threats of same for reporting acts of alleged impropriety.

Representative Burns offered a motion to report House Bill No. 716 by substitute. Without objection, House Bill No. 716 was reported by substitute by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Gaines, Miller, Pugh, and Burns voted yeas.

House Bill No. 1178 by Representative Honore

Representative Honore presented House Bill No. 1178, which provides relative to membership, redistricting, and election of members of the East Baton Rouge Parish School Board.

Mr. Adam Knapp, Baton Rouge Area Chamber, 465 Laurel Street, Baton Rouge, LA, 225-339-1168, said in support of the measure that a smaller school board would be more effective.

Representative Burns offered a set of technical amendments to the bill.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, Pugh, and Burns voted yea.

Ms. Patricia Felder, 1375 Rushmore Drive, Baton Rouge, LA 225-272-9603; Mr. Robert Schnackeburger, 2355 East Lakeshore Drive, Baton Rouge, LA 70808, 225-766-3767; Mr. Mark Bellue, LUBA Workers Comp, Baton Rouge, LA 70815, 225-389-5822; and Mr. Kevin Hayes, Adams and Reese, 450 Laurel Street, Suite 1900, Baton Rouge, LA 70801, 225-336-5200, submitted witness cards stating their support of the bill.

Mr. Mike McClanahan, NAACP, 1520 Thomas Delpit, Baton Rouge, LA; Ms. Belinda Davis, One Community One School District, 9566 Donna Drive, Baton Rouge, LA; Ms. Tania Nyman, One Community One School District, 1278 Aberdeen Avenue, Baton Rouge, LA; Representative Regina Barrow, 4811 Harding Blvd., Baton Rouge, LA, 225-359-9400; and Representative Patricia Smith, representing herself, (no address provided), each spoke in opposition to the bill.

Representative Ted James, representing himself, 3433 E. Forest Drive, Baton Rouge, LA 70814, 225-925-4859; Mr. Scott Richard, Louisiana School Boards Association, 7912 Summa Avenue, Baton Rouge, LA 70809, 225-769-3191; Ms. Markey W. Pierre, LSBA, 401 Market St., Suite 550, Shreveport, LA, 318-675-0116; Venela Lee, 1050 S. Foster Drive, Baton Rouge, LA 70806; Mr. Edgar Cage, 4302 Melban St., Baker, LA 70714; Ms. Dianne Hanley, 5407 Loranger Drive, Baton Rouge, LA 70809; Mr. Byron Sharpe, 3467 Ontario St., Baton Rouge, LA; Ms. Susan Fogleman, Common Cause, 2438 Orpine Ave., Baton Rouge, LA; and Mr. Steve Monaghan, Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809, 225-923-1037, submitted witness cards in opposition to the bill.

Mr. Domoine D. Rutledge, East Baton Rouge Parish School System, 1050 S. Foster Drive, Baton Rouge, provided legal information on the bill.

Representative Schroder offered a motion to report House Bill No. 1178 with amendments, to which Representative Brossett objected. A roll call vote was taken and House Bill No. 1178 was reported with amendments by a vote of 6 yeas and 2 nays. Representatives Barras, Berthelot, Danahay, Pugh, Schroder, and Burns voted yea. Representatives Brossett and Miller voted nay.

House Bill No. 616 by Representative Abramson

Representative Abramson presented House Bill No. 616, which provides a legal remedy in cases wherein a custodian fails to act on a written request for a public record.

Mr. David Marcello, The Public Law Center, 6329 Freret St., Suite 130, New Orleans, LA, informed the committee that a written request for a public record need not be acted upon as quickly as other means of requesting a public record.

Representative Burns offered a set of amendments on behalf of the author and made a motion to adopt the same. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Gaines, Miller, Pugh, and Burns voted yea.

Mr. Scott Sternberg, *The Lens*, 1100 Poydras St., New Orleans, LA, 504-569-2900; and Ms. Jennifer Marusak and Mr. Greg Waddell, Louisiana State Medical Society, 6767 Perkins Road, Suite 100, Baton Rouge, LA 70808, 225-763-8500, submitted cards indicating their support of the bill.

Mr. Thomas Enright, representing the governor's office, 4th Floor, State Capitol, Baton Rouge, LA, 225-342-8212, provided information on the bill.

Ms. Liz Murrill, Division of Administration, Claiborne Building, Baton Rouge, LA, 504-342-4670, submitted a card for information but did not speak.

Representative Berthelot offered a motion to report House Bill No. 616 with amendments. Without objection, House Bill No. 616 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Gaines, Miller, Pugh, and Burns voted yea.

House Bill No. 614 by Representative Abramson

Representative Abramson presented House Bill No. 614, which clarifies that several minimum time periods contained in the Open Meetings Law are exclusive of weekends and legal holidays.

Mr. David Marcello, The Public Law Center, 6329 Freret St., Suite 130, New Orleans, LA, provided information on the bill.

Mr. Scott Sternberg, *The Lens*, 1100 Poydras St., New Orleans, LA, 504-569-2900, spoke in support of the bill.

Ms. Pam Mitchell, Louisiana Press Association, 404 Europe Street, Baton Rouge, LA, 225-344-9309; and Mr. Robert Schromm, Louisiana Chemical Association, One American Place, Suite 2040, Baton Rouge, LA, 225-376-7652, submitted witness cards in support of the bill.

Representative Berthelot offered a motion to report House Bill No. 614 favorably. Without objection, House Bill No. 614 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Gaines, Miller, Pugh, and Burns voted yea.

House Bill No. 684 by Representative Abramson

Representative Abramson presented House Bill No. 684, which exempts certain security districts and similar districts from certain requirements for public notice and for recording or broadcast of certain meetings where proposed security district fees are to be recommended for inclusion on a ballot.

Representative Burns offered a set of technical amendments to the bill on behalf of the author.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Barras, Brossett, Danahay, Gaines, Miller, Pugh, Schroder, and Burns voted yea.

Ms. Shelley Landrieu, 5329 Dryades Street, New Orleans, LA, said in support of the bill that because the city council is the taxing body and not the security district, the latter's meetings should not require the same notice as other meetings.

Representative Danahay offered a motion to report House Bill No. 684 with amendments. Without objection, House Bill No. 684 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Barras, Brossett, Danahay, Gaines, Miller, Pugh, and Burns voted yea.

House Bill No. 879 by Representative Thibaut

Representative Thibaut presented House Bill No. 879, which changes the date for filing annual registration statements for insurance holding companies to April 30 and exempts documents provided to the Department of Insurance in the course of an examination or investigation from the Public Records Law. The bill had been recommitted after being heard in the House Committee on Insurance.

Mr. Tom Travis, Louisiana Department of Insurance, 1702 N. Third St., Baton Rouge, LA 70802, 225-342-2136, said the bill is intended to cross-reference confidentiality provisions properly.

Representative Burns offered a set of amendments to correct references in the Public Records Law to certain present law exemptions.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Gaines, Miller, Pugh, and Burns voted yea.

Representative Burns offered a set of amendments to remove provisions that would have made technical changes to present law provisions relative to delegation of regulatory authority.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Gaines, Miller, Pugh, and Burns voted yea.

Representative Miller offered a motion to report House Bill No. 879 with amendments. Without objection, House Bill No. 879 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Gaines, Miller, Pugh, and Burns voted yea.

IV. OTHER BUSINESS

Representative Berthelot introduced the Young Men of Character group visiting the State Capitol from Pecan Grove Elementary School.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Miller offered a motion to adjourn. Without objection, adjourn by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Gaines, Miller, Pugh, and Burns voted yea.

The meeting was adjourned at 11:33 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tim Burns" followed by a stylized flourish.

Tim Burns, Chairman
House and Governmental Affairs

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Date Approved: : 3-4-15